IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 213 of 2002

DAVAT PROPERTY TRUST

Versus

MANSURALI S ARTIST

Appearance:

1. Civil Revision Application No. 213 of 2002

MR SURESH M SHAH for Petitioner No. 1

MR MEHUL S SHAH for Petitioner No. 1

MR RAMNARAIN RAI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of Order: 30/09/2004

ORAL ORDER

As per the order passed by this Court on 28th September 2004, the office has given an explanation by which it is stated that as the matter was ready for final hearing and it pertains to Rent Act, the R & P was called for. It is required to be noted that the Revision is under section 115 of the Civil Procedure Code, and not under section 29 (2) of the Rent Act. The office was, therefore, not required to call for the R & P especially when no such order was passed by any Court. The concerned officer should have been more careful, since calling the R & P in a Revision without the order of this Court would amount to staying the proceedings before the lower court automatically. The concerned officer is required to be more careful in future. With this caution, the explanation is accepted.

mathew [P.B.MAJMUDAR, J.]